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8 *Paramount Pictures Corporation*

9 **UNITED STATES DISTRICT COURT**  
10 **CENTRAL DISTRICT OF CALIFORNIA**  
11

12 SHOSH YONAY and YUVAL  
13 YONAY,

14 Plaintiffs,

15 v.

16 PARAMOUNT PICTURES  
CORPORATION, a Delaware  
17 corporation, and DOES 1-10,

18 Defendants.  
19

Case No. 2:22-CV-3846-PA-GJS

**DECLARATION OF JOSEPH  
KOSINSKI IN SUPPORT OF  
DEFENDANT PARAMOUNT  
PICTURES CORPORATION'S  
MOTION FOR SUMMARY  
JUDGMENT**

Hearing Date: January 8, 2024  
Time: 1:30 p.m.  
Place: Courtroom 9A  
Judge: Hon. Percy Anderson  
Date Filed: June 6, 2022  
Trial Date: May 7, 2024

1 I, Joseph Kosinski, pursuant to 28 U.S.C. § 1746, declare as follows:

2 1. I submit this declaration based on my personal knowledge as set forth  
3 herein and, if called and sworn as a witness, I could and would testify competently  
4 thereto.

5 2. I was deposed in this matter on September 26, 2023. I stand by my  
6 deposition testimony. During my deposition, while I was asked many questions  
7 about the post-production process and timeline, I was asked fewer questions about  
8 the development of the screenplay for, and the production of, *Top Gun: Maverick*.  
9 This declaration supplements and expands upon my September 26, 2023 deposition  
10 testimony regarding the development and production of the movie.

11 3. I had the pleasure and privilege of serving as the Director for *Top Gun:*  
12 *Maverick*. Broadly speaking, the director for a movie is in charge of the creative  
13 aspects of a movie, and I performed this role with respect to *Top Gun: Maverick*. I  
14 was thus closely involved in the development of the screenplay of *Top Gun:*  
15 *Maverick* and the production, including filming, of the movie.

16 4. I started working on *Top Gun: Maverick* in 2017. At that time, draft  
17 scripts had been written by both Peter Craig and Justin Marks, and I read two of the  
18 drafts written by Mr. Marks. Both Mr. Craig and Mr. Marks ultimately received a  
19 “Story By” credit for their contributions to the movie.

20 5. While I liked, and wanted to keep, certain aspects of the prior scripts, I  
21 also had my own creative vision for the movie. I worked with several writers—Eric  
22 Singer, Ehren Kruger, and Christopher McQuarrie—on screenplays to bring that  
23 vision to fruition. Mr. Singer, Mr. Kruger, and Mr. McQuarrie shared “Screenplay  
24 By” credit for their contributions to the movie.

25 6. As I testified in my deposition, I have not read the article *Top Guns*,  
26 which I understand was published in *California Magazine* in 1983 (the “Article”). I  
27 also do not recall anyone involved in the making of *Top Gun: Maverick* mentioning  
28 the Article. Nor did it come up during my research on the project.

1           7. During the development of the screenplay, as well as the production of  
2 the movie itself, we worked closely with the United States Navy. The number of  
3 Navy personnel who assisted with the movie is reflected in the movie's credits.  
4 The document attached hereto as **Exhibit 1** show the credits provided to Navy  
5 personnel. These credits reflect not only the extent of individual Navy personnel  
6 involved but also their significant and varied contributions to the film. And, to be  
7 clear, there were many others who did not receive credit. In developing the  
8 screenplay and production for the film, I worked especially closely with Capt. J.J.  
9 "Yank" Cummings and Capt. Brian "Ferg" Ferguson, who received "Naval  
10 Aviation Advisor" and "Naval Aviation Technical Advisor/Aerial Coordinator"  
11 credits, respectively. *See Exhibit 1; see also Top Gun: Maverick* at 2:06:33.

12           8. The collaboration with the Navy was intentional and continuous—and  
13 important. Among other reasons, we wanted the Navy's help to ensure that we got  
14 things right. These efforts to ensure accuracy and realism pervaded the  
15 development and production process and ranged from topics such as Navy life to  
16 the Top Gun program to Naval aviation and combat to mechanical aspects of fighter  
17 jets.

18           9. For example, we worked with the Navy to ensure that the dialogue in  
19 the movie was authentic. In fact, we had Navy personnel review our script and help  
20 us ensure that we got the "lingo" right. Attached hereto as **Exhibits 2 and 3**  
21 (TGM0131145 & TGM0131146; TGM0167808) are examples of our working with  
22 the Navy on the dialogue for the movie.

23           10. We also worked with the Navy on the plot of the movie. As one  
24 example, in the third act of the movie, the pilots' mission tracks one described to us  
25 by Navy pilots. Specifically, during our conversations with Navy personnel, we  
26 asked them to describe the most difficult and terrifying mission that they could  
27 imagine. The final mission in the movie uses elements described to us by the Navy  
28 pilots, including flying at high-speeds through canyons at low altitudes, facing anti-

1 aircraft surface-to-air missiles, and having to battle superior aircraft in order to  
2 escape enemy territory. Attached hereto as **Exhibits 4, 5 and 6** (TGM0158868;  
3 TGM0132720; TGM0129544 & TGM0129545) are examples of our working with  
4 the Navy on the plot for the movie.

5 11. We also solicited stories from Navy personnel's professional and  
6 personal lives to get a sense of their personalities and mannerisms. Attached hereto  
7 as **Exhibits 7 and 8** (TGM0166907 & TGM0166908; TGM0158790) are examples  
8 of our working with the Navy on the plot aspects involving character development.

9 12. To ensure accuracy of the aviation training and mission in the film, we  
10 also worked closely with Naval advisors to verify we had the technical aspects of  
11 the fighter jets and other equipment correct. Attached hereto as **Exhibit 9**  
12 (TGM0129549) is an example of Lieutenant Adam Hall setting up a call with  
13 myself and a number of other Navy consultants to go over "F-35 and F-18  
14 pros/cons."

15 13. As part of the development and production process, I visited a number  
16 of United States Navy air stations, including Naval Air Station Fallon in Fallon,  
17 Nevada (the current location of the Top Gun school), Naval Air Station North  
18 Island in San Diego, California (where we set Top Gun in the movie), and Naval  
19 Air Station Lemoore in Fresno, California. (Eric Singer, Ehren Kruger, and  
20 Christopher McQuarrie—the credited screenwriters with whom I worked—joined  
21 me on some of these visits). I also visited one of the Navy's air force carriers and  
22 spent several days with Navy personnel on that ship. Attached hereto as **Exhibit 10**  
23 (TGM0131021) is an example of a communication with Captain J.J. "Yank"  
24 Cummings after Darren Gilford, the first Production Designer on the film, and I  
25 visited his ship as guests—Yank also mentions arranging future visits to Naval Air  
26 Station Lemoore and Fallon. I also met countless times with other Navy personnel  
27 and communicated with them even more.

28 14. While at Fallon, I visited the Officer's Club, that is, the bar on the

1 base. The first time that I visited the Officer's Club, I put my cell phone on the bar.  
2 This invoked the Club's "rules," thereby requiring me to buy a round for everyone  
3 in the bar, which I did. There is a bell at the bar in Fallon and it was rung when I  
4 violated the Club's rules and had to buy a round. This inspired the scene in the  
5 film, in which a bell is rung and Maverick is forced to buy a round for everyone in  
6 the Navy bar after he violates bar rules by placing his phone on the bar.

7 15. I also visited the Officer's Club in North Island, which is called the I-  
8 Bar. There, I took the photographs that are shown in **Exhibit 11** (TGM0167791).  
9 In these photos, you can see the rules for the Club, as well as the type of  
10 memorabilia decorating the bar. While I did not take a picture of the bell, there also  
11 is a bell at North Island's I-Bar that is rung when someone breaks the rules and has  
12 to buy a round. The inside of the bar, including the bell, is shown in **Exhibit 12**  
13 (CBS 8 San Diego News Segment "The infamous I Bar on Naval Air Station North  
14 Island featured in Top Gun"), and I recognize the inside of the bar from my visit  
15 there.

16 16. We used real Navy planes in shooting the movie. Because of this, I  
17 became very knowledgeable about how expensive Navy planes are and how  
18 expensive they are to fly. Each plane has a certain number of hours that it can be  
19 flown, meaning that every time the plane goes in the air, the plane has fewer hours  
20 left to fly. On top of this, just the amount of fuel the planes use is incredibly  
21 expensive by the hour. Because we were using real Navy jets, we had to manage  
22 these costs as part of the production budget.

23 17. The features of the Navy equipment used in the film, including  
24 technical aspects such as displays, wing functions, and afterburners are real (aside  
25 from changes we were required to make to avoid revealing classified information).  
26 Attached hereto as **Exhibit 13** (TGM0132693) are notes from a call with Navy  
27 consultants detailing availability and filming capabilities of various Navy  
28 equipment, including fighter jets and carriers. Further, the footage in the movie of

1 the planes flying—including the evasive maneuvers and dogfighting—are real. We  
2 also actually had our actors (portraying the pilots) filmed in Navy planes in flight. I  
3 have described this innovative filming process many times in press interviews for  
4 the movie. One such example is attached hereto as **Exhibit 14** (Sep. 26, 2023 J.  
5 Kosinski Depo. Ex. 17).

6 18. As noted above, *Top Gun* is currently located at Fallon, Nevada. For  
7 creative reasons, we did not want the school to be located in the desert and  
8 preferred to have the training occur near the beach. During discussions with Navy  
9 personnel, I learned that *Top Gun* sometimes operates from a different location,  
10 with this called a “detach.” The movie thus shows a *Top Gun* detach at North  
11 Island, California, with North Island being a real Navy Air Station near the beach.  
12 (and not the desert).

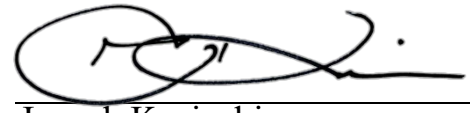
13 19. I have not read Plaintiffs’ complaint or their chart of claimed  
14 similarities. I have also not read Henry Bean’s expert report. Counsel for  
15 Paramount Pictures, however, has asked me to comment on the below two claimed  
16 similarities.

17 20. *First*, I understand that Plaintiffs claim that the Article and *Top Gun:*  
18 *Maverick* are similar because the fictional Admiral Chester “Hammer” Cain  
19 character in the movie, played by Ed Harris, tells *Maverick* that planes soon “won’t  
20 need pilots [like *Maverick*] at all,” and are soon to be replaced by technology, such  
21 as drones. While I cannot comment on the Article, as I have never read it, the idea  
22 for the line in the movie came from conversations with Navy pilots, who told me  
23 (and others involved in making the movie) about the impact on technology—  
24 including drone technology—on their careers.

25 21. *Second*, I understand that Plaintiffs claim that the Article and *Top*  
26 *Gun: Maverick* are similar because a bullseye is used as a metaphor for the Naval  
27 caste system of pilots in the Article and, in the film, Lt. Jake “Hangman” Seresin  
28 (played by Glen Powell) lands three darts in the bullseye of the dart board at the

1 bar. While I offer no thoughts on how a bullseye is used for a metaphor in the  
2 Article since I haven't read it, the concept of a bullseye would come up, as their  
3 training exercises often involved hitting targets. Further, the idea for the dart board  
4 scene reflects that many officer's clubs had games such as pool and darts that pilots  
5 would enjoy in their free time. (In fact, the film also depicts Hangman sinking pool  
6 shots without looking.)

7  
8 I declare under penalty of perjury that the foregoing is true and correct.  
9 Executed on November 2, 2023 in Daytona, Florida.

10  
11   
12 \_\_\_\_\_  
13 Joseph Kosinski